

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED
MAR 11 2019
CLERK'S OFFICE
DETROIT

MICHAEL WARD,

Petitioner,

v.

HUGH WOLFENBARGER, et al.,

Respondent's.

HONORABLE ARTHUR J. TARNOW
Senior U.S. Dist Ct Judge

RECEIVED
MAR 11 2019
CLERK'S OFFICE
U.S. DISTRICT COURT

PETITIONER'S MOTION SEEKING COURT'S ORDER/PERMISSION
TO ALLOW PETITIONER'S BROTHER
WHO HOLDS "POWER OF ATTORNEY"
TO ASSIST IN "SETTLEMENT" NEGOTIATIONS
AND OTHER MATTERS IN THIS CASE; 1/
and
TO PERMIT PETITIONER A DIRECT LINE
OF COMMUNICATION WITH THE SPOKESPERSON AGENT
OF RESPONDENT(S) MICH. PAROLE BOARD & DEPT. OF CORRECTIONS
TO BETTER FACILITATE A NEGOTIATED SETTLEMENT

On 2/26/19 the Court entered its order strongly suggesting to Respondent(s) and their counsel, they settle this case within 120 days. To Petitioner's knowledge, the additional 120 days (or moreso beyond the 20 days ending 11/20/18 per the Court's oral pronouncement on 10/30/18), was neither requested by Petitioner, his then counsel (H. Mihas), nor Respondent(s) counsel. However, Petitioner will once again diligently attempt, in good faith, to take advantage of the gratuitous 120 days, in attempt to settle. The ball is basically in Respondent(s) and their counsel's court, to be full, fair and reasonable, going outside of the box, to get the job done. We shall see how they act or do not act.

Petitioner's brother, Kenneth Ward is a professional, conservative, family and business owner in Salt Lake City, Utah.

1/ Ken Ward - Ph: (801) 725-9057; e.mail: ward.ken@comcast.net

Ken holds "POWER OF ATTORNEY" issued by Petitioner, and served upon Respondent(s) counsel (Linus Banghart-Linn), in facilitating and representing Petitioner Ward in settlement negotiations and other matters in this case. See, attached copy of "Power of Attorney."

During earlier settlement negotiations, Respondent(s) counsel did permit Ken to participate in the 2/4/19 telephonic conference; wherein Ken basically held the baton, and was articulate in his verbiage.

Ken is the person who drafted and presented (thru then assigned counsel H. Mihas), the three (3) written settlement offers from Petitioner's side of the arena. Those offers are a matter of record (Dkt# 327).

Ken is very familiar with and competent in all aspects of this case, as well as Petitioner, his brother.

If released from state confinement, Petitioner would be living with, and employed by Ken in Utah.

With this Court's blessing, Ken would prove to be an invaluable asset to settlement negotiations and other, in relation to the interests of the Court, and parties.

There exist inefficient communications difficulties between Petitioner, (limited in his prisoner status), and Respondent's counsel; whereas Ken has a direct link and the technology (i.e., e.mail, etc.) to efficiently communication.

Unlike Respondent(s) counsel, Ken is tied to Petitioner via the prisons kiosk (JPay.Com) link; whereby Ken could (and has in the past) relayed information to Petitioner via JPay, reaching Petitioner within 24 hrs or less. This speed is invaluable.

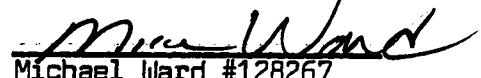
Petitioner further requests the Court to order that Respondent(s) counsel (MAAG Linus Banghart-Linn) disclose the identity (by name, rank and station) the individuals (Respondents) he has been directly dealing with in the negotiation process, specifically the agents of both Parole Board, and Dept of Corrections (MDOC). Respondent(s) counsel has thus far REFUSED to disclose the identity, or permit agents of the Parole Board/MDOC agent (spokesperson), to participate directly (orally or in writing), in settlement negotiations. See, Dkt# 327 (e-mails to and from Mihas & Banghart-Linn).

Petitioner lastly requests the Court order that Ken and/or Petitioner himself, be permitted to contact and negotiate directly with the agent of the parties involved in this litigation, i.e., Parole Board/MDOC).

WHEREFORE, in the best interest of all concerned, Petitioner requests the Court grant and fashion an appropriate order, accordingly.

Date: 3/6/19

Respectfully submitted,



Michael Ward #128267
Macomb Corr Fac
34625 26 Mile Rd
New Haven, MI 48048

Petitioner/Pro-per

Re: Ward v Wolfenbarger, et al.
Case No. 03-cv-72701 (AJT)

TO: Mr. Linus Banghart-Linn
AAG, Counsel for Respondent, Warden Wolfenbarger, et al.

POWER OF ATTORNEY
[Given to Kenneth L. Ward]

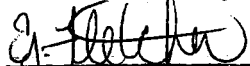
I, MICHAEL WARD, MDOC prison #128267, Petitioner in the above captioned cause, do certify and declare under penalty of perjury, that I am sound of mind and competent; and, that this power of attorney is made by my person of my own volition and free will.

I, MICHAEL WARD, further declare that in accepting and utilizing this power of attorney as further described below, said AAG Linus Banghart-Linn, will not be held liable in any form whatsoever, in freely communicating with, to and from my brother, KENNETH L. WARD, to whom, together with my person, MICHAEL WARD, and Linus Banghart-Linn, are the sole party's, to this power of attorney.

Ken Ward is located at: 2985 E. Pineview Drive, Cottonwood Heights, UT 84121 (cell#: 801-725-9057; e.mail: ward.ken@comcast.net)

I further attest, that upon oral statement made to my person, Michael Ward, said Kenneth Ward has agreed to be a party to this power of attorney and, has agreed, that he is ready, willing and able to meet, and/or communicate, and/or to provide and/or exchange documents and information with, AAG Linus Banghart-Linn; in relation to any and all matters of concern to Michael Ward; specifically, but not limited to, assisting, directly and/or indirectly (by conversing with and, providing and/or receiving information), in the matter of **negotiating a SETTLEMENT** in the above captioned cause.

Subscribed & Sworn to before me
this 4th day of March, 2019.



NOTARY PUBLIC



Michael Ward #128267
Affiant/Petitioner

EMILY FLETCHER
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Sep 5, 2022
ACTING IN COUNTY OF